



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATION BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER BY BREITLING USA, INC. TO PERMIT CERTIFICATION AND USE OF A WRIST-WORN PERSONAL LOCATOR BEACON

WT Docket No. 14-196

Comment Date: December 4, 2014

Reply Date: December 19, 2014

On October 2, 2014, Breitling USA, Inc. (Breitling), filed a request for waiver of Section 95.1402 of the Commission's Rules¹ to permit equipment authorization for the Breitling Dual Band Emergency Watch (the "Emergency2"), which includes a Personal Locator Beacon (PLB). PLBs are emergency radiobeacons intended for use by individuals on land, which transmit a distress signal on 406.0-406.1 MHz for communication with the COSPAS-SARSAT satellite system² and a lower-powered homing signal on frequency 121.5 MHz. Under Section 95.1402, PLBs must conform to the Radio Technical Commission for Maritime Services (RTCM) standard that contains minimum requirements for PLBs' functional and technical performance.³ Absent a waiver, Breitling's Emergency2 could not be certified under Part 95 of the Commission's Rules.

In 2001, the Wireless Telecommunications Bureau (WTB) granted Breitling a waiver to permit equipment authorization for its Emergency Watch (the "Emergency"), which was a back-up safety device designed to supplement conventional 121.5 MHz Emergency Locator Transmitters (ELTs).⁴ WTB

¹ 47 C.F.R. § 95.1402.

² COSPAS-SARSAT is an international satellite-based SAR system established by Canada, France, Russia, and the United States. COSPAS is an acronym for a Russian phrase meaning space system for search and distress vessels; SARSAT stands for Search and Rescue Satellite Aided Tracking.

³ Section 95.1402 requires PLBs to meet the requirements in RTCM Recommended Standards for 406 MHz Satellite Personal Locator Beacons (PLBs), Version 1.1, RTCM Paper 76-2002/SC110-STD, dated June 19, 2002, but RTCM has revised the standard and the Commission has proposed to amend the rule to require PLBs to meet the requirements in RTCM Standard 11010.2 for 406 MHz Satellite Personal Locator Beacons, with Amendment 1 and Amendment 2, dated June 8, 2012 (RTCM 11010.2). See Amendment of the Commission's Rules Regarding Maritime Radio Equipment and Related Matters, *Notice of Proposed Rulemaking*, WT Docket No. 14-36, 29 FCC Rcd 2516, 2521 ¶ 13 (2014). Breitling states that the Emergency2 complies with both versions as to requirements outside the waiver request, and notes that compliance with the 2012 version also meets the 2002 standard.

⁴ See Breitling U.S.A., Inc., *Order*, 16 FCC Rcd 18560 (WTB PSPWD 2001) (*Breitling Order*). ELTs are radiobeacons that are activated manually or automatically to alert search and rescue (SAR) personnel that an aircraft has crashed, and to identify the location of the aircraft and any survivors. Review of Part 87 of the Commission's

concluded that compliance with all of the ELT technical requirements was not necessary because “the purpose of the Emergency is not intended primarily to activate rescue operations, but instead as an accurate and rapid means to locate personnel once a SAR [search and rescue] operation is underway.”⁵ In 2002, the Commission amended its Part 95 rules to authorize the certification and use of PLBs.⁶

Breitling states that incorporation of a PLB into a wristwatch casing as opposed to a conventional hand-held device renders certain requirements in the RTCM standard irrelevant or infeasible, but argues that the Emergency2 provides the offsetting advantage that it is always immediately at hand and ready to operate, with no added risk of harmful interference to others. Breitling requests waiver of manual control,⁷ battery,⁸ and labeling⁹ requirements in the RTCM standard. It states that none of these issues affects reliable PLB operation, and that the Emergency2 fully meets all other elements of the RTCM standard, except for certain provisions applicable to 121.5 MHz transmissions for which a waiver was granted in 2001. COSPAS-SARSAT states in a Letter of Compatibility that the Emergency2 may be used for operation with the COSPAS-SARSAT system.

Rules Concerning the Aviation Radio Service, *Third Report and Order*, WT Docket No. 01-289, 25 FCC Rcd 7610, 7620-21 ¶¶ 17-18 (2010) (*Part 87 Third Report and Order*). 406 MHz ELTs transmit a digital distress signal on 406.0-406.1 MHz and a lower-powered homing signal on frequency 121.5 MHz; 121.5 MHz ELTs transmit an analog signal on frequency 121.5 MHz that is intended both as a distress signal and a homing signal. The Commission has proposed to phase out 121.5 MHz ELTs. See Review of Part 87 of the Commission’s Rules Concerning the Aviation Radio Service, *Third Further Notice of Proposed Rule Making*, WT Docket No. 01-289, 28 FCC Rcd 512 (2013).

⁵ *Breitling Order*, 16 FCC Rcd at 18562 ¶ 7; see also *Part 87 Third Report and Order*, 25 FCC Rcd at 7622 ¶ 19 (concluded that marketing and use of the Emergency could continue after COSPAS-SARSAT ceased monitoring frequency 121.5 MHz because the Emergency “was never designed or marketed as a functional substitute for a standard ELT (or any device with satellite-alerting capabilities),” so the termination of satellite monitoring of 121.5 MHz had no bearing on the its utility).

⁶ See Amendment of Part 95 of the Commission’s Rules to Authorize the Use of 406.025 MHz for Personal Locator Beacons (PLB), *Report and Order*, WT Docket No. 99-366, 17 FCC Rcd 19871 (2002).

⁷ Breitling seeks waiver of RTCM 11010.2 sections 4.4.1 (integral manual controls) and 4.4.2 (separate test switch). In lieu of separate controls for ON, OFF, and TEST, the Emergency2 is activated by extending the antenna, deactivated by cutting the antenna or wrapping it around the watch, and tested automatically upon completion of battery charge.

⁸ Breitling seeks waiver of RTCM 11010.2 sections 4.4.3 (primary, integral, non-rechargeable battery and useful life of battery), A.13.1 (battery requirement to assure PLB will function for a minimum of 24 hours), A.16 (minimum and maximum operating temperatures for auxiliary 121.5 MHz homer), and A.16.2 (transmitter Duty Cycle). Instead of a non-rechargeable battery with at least a 24-hour charge, the Emergency2 battery is rechargeable and functions for 18 hours. In order to conserve battery life, the Emergency2 transmits on 121.5 MHz within a narrower temperature range (ceasing if its temperature drops below freezing) and with a 33.3% duty cycle (750 milliseconds every 2.25 seconds) instead of continuously.

⁹ Breitling seeks waiver of RTCM 11010.2 sections 4.5.1 (case highly-visible yellow/orange color), 4.5.2.2 (requirements for displaying various labels), 4.5.2.2.1 (prescribed warnings, instructions, and provide space for required registration sticker), and 4.5.2.2.2 (attached labeling either on outside of PLB or permanently attached to PLB regarding special operating instructions, identification of the manufacturer, PLB type number or model identification, temperature operating range, appropriate Dangerous Goods transportation statement and phone number to report false activations). Breitling states that the operating instructions are engraved on the watch, but there is no room for the other required labels so the information is provided to the user via verbal, written, and video operating and registration instructions.

We seek comment on the waiver request.

Procedural Matters

Interested parties may file comments and reply comments in response to the waiver request on or before the dates listed on the first page of this *Public Notice*. All pleadings must reference WT Docket No. 14-196. Parties may file comments using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.¹⁰

- **Electronic Filers:** File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and two copies of each filing.

Send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). Address filings to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554 between 8:00 AM and 7:00 PM. Use rubber bands or fasteners to hold deliveries together. Dispose of all envelopes before entering the building.
- Send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- Send U.S. Postal Service first-class, Express, and Priority mail to 445 12th Street, SW, Washington DC 20554.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The request, and comments and reply comments filed in response to this *Public Notice* are available for viewing via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT No. 14-196. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail FCC@BCPIWEB.com.

¹⁰ See Electronic Filing of Documents in Rulemaking Proceedings, *Report and Order*, GC Docket No. 97-113, 13 FCC Rcd 11322 (1998).

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This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.¹¹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact Mr. Jim Shaffer of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-0687, james.shaffer@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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¹¹ See 47 C.F.R. §§ 1.1200(a), 1.1206.